

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1044

(Reference to proposed amendment dated 2/25/08 at 2:33 p.m.)

1   Page 1, between lines 1 and 2, insert:

2           “Section 1. Section 45-811.01, Arizona Revised Statutes, is amended  
3           to read:

4           **45-811.01. Underground storage facility permit**

5           A. A person may apply to the director for a constructed underground  
6           storage facility permit or a managed underground storage facility permit and  
7           may operate an underground storage facility only pursuant to a permit.

8           B. A person applying to the director for a managed underground storage  
9           facility permit may request to have the facility designated as a facility  
10          that could add value to a national park, national monument or state park if  
11          that park or monument includes any portion of a natural channel of a stream  
12          or adjacent floodplain that would benefit from the facility.

13          C. The director may issue a permit to operate an underground storage  
14          facility if the director determines that all of the following apply:

15           1. The applicant has the technical and financial capability to  
16          construct and operate the facility.

17           2. Storage of the maximum amount of water that could be in storage at  
18          any one time at the facility is hydrologically feasible.

19           3. Storage at the facility will not cause unreasonable harm to land or  
20          other water users within the maximum area of impact of the maximum amount of  
21          water that could be in storage at any one time at the underground storage  
22          facility over the duration of the permit. FOR LAND OR OTHER WATER USERS THAT  
23          WERE IN OPERATION AT THE TIME THE PERMIT WAS ISSUED, UNREASONABLE HARM  
24          INCLUDES ANY ECONOMIC LOSSES THAT ARE A RESULT OF HIGHER WATER LEVELS THAN  
25          WERE PRESENT AT THE TIME THE PERMIT WAS ISSUED.

26           4. The applicant has agreed in writing to obtain any required  
27          floodplain use permit from the county flood control district before beginning  
28          any construction activities.

1           5. The director of environmental quality has determined that the  
2 facility is not in a location that will promote either the migration of a  
3 contaminant plume or the migration of a poor quality groundwater area so as  
4 to cause unreasonable harm or is not in a location that will result in  
5 pollutants being leached to the groundwater table so as to cause unreasonable  
6 harm, if the proposed water storage at the underground storage facility is  
7 exempt from the requirement for an aquifer protection permit under section  
8 49-250, subsection B, paragraph 12, 13 or 24. For any facility exempt under  
9 section 49-250, subsection B, paragraph 24, the director of water resources,  
10 after consultation with the director of the department of environmental  
11 quality, may include in the permit any requirements, including operation,  
12 maintenance, monitoring, record keeping, reporting, contingency plan or  
13 remedial action requirements, as the director of water resources deems  
14 necessary.

15           D. The director may designate a managed underground storage facility  
16 as one that could add value to a national park, national monument or state  
17 park if the director finds that ~~all~~ BOTH of the following apply:

18           1. The applicant has agreed in writing to maintain a quantified,  
19 minimum base flow and annual discharge to the stream for the duration of the  
20 permit.

21           2. The project will benefit the groundwater basin as a whole."

22           Renumber to conform

23           Page 1, line 2, strike the quotation marks

24           Line 24, after "FINDS" insert "AFTER ISSUANCE OF AN UNDERGROUND WATER STORAGE  
25           FACILITY PERMIT"; strike "HYDROLOGY" insert "HYDROLOGIC"; strike "AN"  
26           Strike line 25, insert "THE"

27           Line 26, after the comma insert "AND THAT CONSTRUCTION OR STORAGE UNDER THE  
28           PERMIT THEREFORE VIOLATES THIS CHAPTER,"

Senate Amendments to S.B. 1044

- 1 Page 2, line 14, strike "OR 45-812.01"
- 2 Amend title to conform

ROBERT BLENDU

2/26/08  
4:07 PM  
S: MG/jas